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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,111	08/07/2001	Michael A. Gaul	A-7172	9737

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SCIENTIFIC-ATLANTA, INC.  
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EXAMINER
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JONES III, CLYDE H

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/924,111	<b>Applicant(s)</b> GAUL ET AL.	
	<b>Examiner</b> Clyde H. Jones III	<b>Art Unit</b> 2611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/24/04, 4/16/03, 1/30/02, 2/7/01</u>                                     | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-15, and 17-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Kamen et al. (US 6,421,067 B1).

Regarding claims 1, 17, 30, and 43 Kamen teaches the system and corresponding method for providing interactive media services comprising:

memory (304, 302 – fig. 6) for storing IPG (EPG) configuration data that is used to determine an IPG screen characteristic (characteristic of what is displayed on screen) (col. 7, lines 33-38; col. 12, lines 19-34; col. 13, lines 37-39; col. 14, lines 37-57); and

logic configured to modify the IPG configuration data in response to a first user input requesting a change in the IPG screen characteristic (col. 14, lines 50-52; col. 5, lines 18-20; col. 7, lines 24-27; col. 7, lines 56-60; col. 13, lines 25-46; col. 14, lines 50-54).

Art Unit: 2611

Regarding claim 2, Kamen teaches the memory is non-volatile memory (col. 12, lines 19-22).

Regarding claims 3, 19-21, 32-34, 45, and 46, Kamen teaches an IPG screen that is configured in accordance with the first user input (menu/option input; col. 13, lines 33-46) is presented to a user in response to receiving a second user input (command to display the EPG while normally watching TV, i.e., video only; col. 8, lines 26-31).

Regarding claims 4, 24, 37, and 49, Kamen teaches the IPG screen characteristic is a channel listing characteristic (modifies how channel listings are shown; fig. 2A; fig. 2; col. 5, lines 9-24; col. 7, lines 61-67 and col. 15, lines 13-15).

Regarding claims 5, 25, 38, and 50, Kamen teaches the channel listing characteristic is from a group consisting of:

number of channels presented concurrently (changes number of channels displayed; fig. 2A; fig. 2), type of channels presented (col. 5, lines 11-16), order in which channel listings are presented (alphabetical order; col. 5, lines 18-19), identity of channels presented (presents channels of an identified type, e.g., sports; col. 5, lines 16-18), identity of an initially highlighted channel (col. 7, lines 24-29 & 61-65), orientation of channel listings (col. 14, lines 15-22), location of channel listings (fig. 2A; fig. 2C'; col. 13, lines 54-col. 14, line 11; col. 3, lines 47-49, 56-57, & 63-65).

Regarding claims 6, 26, 39, 51, Kamen teaches the IPG screen characteristic is a time listing characteristic (modifies how time listings of programs are shown; col. 8, lines 4-11 & fig. 2A, 2, & 2C).

Regarding claims 7, 27, 40, 52, Kamen teaches the time listing characteristic is from a group consisting of: number of time listings presented concurrently (2A-2C; modifying the number of listings shown for a time period); coverage of a time listing (fig. 2; modifies time listings related to sports coverage), identity of time listings presented (fig. 2C; identified sports listing showing "today"), orientation of time listings (fig. 2C'; rotate/modify perspective of listing shown for a time period; col. 14, lines 15-27), location of time listings (fig. 2A; fig. 2C'; col. 13, lines 54-col. 14, line 11; col. 3, lines 47-49, 56-57, & 63-65).

Regarding claims 8, 28, 41, and 53, Kamen teaches the IPG screen characteristic is a video area characteristic (103B – fig. 2B; 320-a-c – fig. 2C; 560-563 – fig. 2C'; col. 13, line 54-col. 14, line 27; col. 3, lines 40-43).

Regarding claims 9, 29, 42, and 54, Kamen teaches the video the video area characteristic is from a group consisting of: size (col. 13, lines 54-56), location (col. 14, lines 8-12; col. 3, lines 63-65 & lines 45-49), and content (col. 14, lines 20-22; col. 3, lines 60-63).

Regarding claims 10, 22, 35, and 47, Kamen teaches an IPG screen that is configured in accordance with the first user input is presented to a user via a display device (col. 13, lines 33-37; col. 14, lines 28-33).

Regarding claims 11, 23, 36, and 48, Kamen teaches the display device is a television (col. 15, line 23).

Regarding claims 12, 18, 31, and 44, Kamen teaches the first user input is provided via a remote control device (150 – fig. 2& 6; col. 5, lines 19-21; col. 8, lines 26-31; col. 12, lines 40-42).

Regarding claim 13, Kamen teaches the system is a client device (client to the B-caster and Internet servers; col. 14, lines 39-42; col. 6, lines 24-30; col. 14, lines 57-64).

Regarding claim 14, Kamen teaches the client device is a digital home communication terminal (DHCT) (PCTV; col. 4, lines 60-63).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2611

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamen et al. (US 6,421,067 B1) in view of Lemmons et al. (US 6,442,775 B1).

Regarding claims 15 and 16, Kamen discloses the EPG is a shell for access to additional applications by connecting to a server (col. 14, lines 57-64).

Kamen fails to disclose the system is a server device and located at a headend.

In an analogous art Lemmons teaches an EPG server system located at a headend (television distribution facility 16 – fig. 1) for generating EPG display screens (col. 5, lines 34-36 & 47-50).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the system of Kamen to include the system is a server device and located at a headend as taught by Lemmons for the added advantage of decreasing the processing load of the receiving device.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clyde H. Jones III whose telephone number is 571-272-5946. The examiner can normally be reached on 9-5:30 p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJ



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